

EXHIBIT 8

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22 VIDEOGRAPHER: Jason Kocol

1 WEDNESDAY, JULY 27, 2011; REDWOOD SHORES, CALIFORNIA

2 8:39 A.M.

3 ---oOo---

4 (Exhibit PX304 was marked for

5 identification.)

08:39:14

6 THE VIDEOGRAPHER: Good morning. We are on

7 the record at 9:38 -- excuse me -- 8:39 a.m. on

8 July 27th, 2011. This is the videotaped deposition of

9 Andy Rubin.

10 My name is Jason Kocol, here with our court

08:39:28

11 reporter, Leslie Rockwood. We are here from Veritext

12 National Deposition and Litigation Services at the

13 request of counsel for plaintiff.

14 This deposition is being held at 333 Twin

15 Dolphin Drive, in the city of Redwood Shores, California.

08:39:46

16 The caption of this case is Oracle America, Incorporated,

17 vs. Google, Incorporated, case number CV 10-03561 WHA.

18 Please note that audio and video recording

19 will take place unless all parties agree to go off the

20 record. Microphones are sensitive and may pick up

08:40:12

21 whispers, private conversations, and cellular

22 interference.

23 At this time will counsel and all present

24 please identify themselves for the record.

25 MR. JACOBS: Michael Jacobs, Morrison &

08:40:22

1 Foerster, counsel for Oracle.

2 MS. TERAGUCHI: Yuka Teraguchi of Morrison &
3 Foerster, counsel for Oracle.

4 MR. HOLTZMAN: Steve Holtzman, Boies,
5 Schiller & Flexner, counsel for Oracle America. 08:40:33

6 MR. REBLITZ-RICHARDSON: Beko
7 Reblitz-Richardson, Boies, Schiller & Flexner, on behalf
8 of Oracle America.

9 MS. TIPTON: Jessica Tipton, Morrison &
10 Foerster, on behalf of Oracle America. 08:40:44

11 MS. ANDERSON: Christa Anderson for Google,
12 Inc., and the witness.

13 MR. BABER: Bruce Baber, King & Spalding, for
14 Google.

15 MR. HWANG: Renny Hwang of Google. 08:40:49

16 THE VIDEOGRAPHER: Thank you.

17 The witness will be sworn in, and we can
18 proceed.

19 THE REPORTER: Would you raise your right
20 hand, please.

21 You do solemnly state that the evidence you
22 shall give in this matter shall be the truth, the whole
23 truth and nothing but the truth, so help you God.

24 THE WITNESS: Yes.

25 THE REPORTER: Thank you.

1 help.

2 (Exhibit PX318 was marked for
3 identification.)

4 Q. BY MR. JACOBS: I promised you I didn't like
5 trick questions, but I do have a document that I think 13:45:07
6 will help us on the timeline, and that's this next email,
7 July 24th, 2006. So take a look at that for a minute.

8 A. Okay.

9 Okay.

10 Q. So you write, I think this is you, "Actually, 13:45:49
11 it's a clean room implementation we're buying. Anyone
12 with specific knowledge, those from Sun, are tainted and
13 would be bad. I interviewed Lars, and I think he's
14 great, but sadly not for this project. We were in
15 discussions for eight months with Sun, walked away and 13:46:17
16 must prove that our internal effort is clean."

17 Do you see that?

18 A. Uh-huh.

19 Q. So this -- first of all, it reinforces your
20 earlier testimony that by this time at least this last 13:46:26
21 round of negotiations with Sun had ended; correct?

22 A. Uh-huh.

23 Q. And you characterize it as Google walking
24 away; right?

25 A. Yes. 13:46:36

1 Q. And then you say, "We're going to --
2 ultimately, we're going to have to prove that our
3 implementation is clean," so you're now on the clean room
4 path; right?

5 A. That's right. So the hedge is now the first 13:46:44
6 effort.

7 Q. Then you go on to say, "Also, because we were
8 in discussion for so long, we must inquire an existing
9 implementation. We ship in six months."

10 Do you see that? 13:46:56

11 A. Yep.

12 Q. So, actually, it looks like you were thinking
13 of trying to ship in December of 2006; right?

14 A. I was under incredible schedule pressure, and
15 as I mentioned before, anything that we acquired or 13:47:06
16 whether we partnered with Sun and acquired their
17 technology, it would have improved our schedule.

18 Q. So -- but this is talking about Skelmir now;
19 right?

20 A. Yep. 13:47:26

21 Q. The deadline you were talking about, the
22 December 2006 deadline, you said, "I was under incredible
23 schedule pressure."

24 A. Yep.

25 Q. What did you mean by that? 13:47:34

1 A. Well, look, I mean, you have a window of
2 opportunity in smartphones. I had competitors all over
3 the place. When I started the company, Microsoft was my
4 competitor. You know, there was Symbian in there as
5 well, and, you know, all sorts of Linux initiatives. You 13:47:44
6 have to ship as soon as feasibly possible.

7 I mean, you go to extraordinary lengths to
8 ship sooner, because it's a very dynamic market. And it
9 could shift directions at any time. Right. So my job
10 as, you know, the architect of this business concept was 13:48:00
11 to just do everything that I possibly could to get my
12 solution to the market in the shortest time possible.

13 Q. And Urs is kind of being a little cautionary
14 there; right? He's says, "Wow. I totally understand
15 your first point, but your second is uninspiring, ie, 13:48:16
16 scary. That is not a good reason to acquire a company,
17 because there's no correlation between shipping soon and
18 acquiring a company if you don't do due diligence. We
19 have lots of other untainted engineers."

20 So he's cautioning you that be careful about 13:48:28
21 this aggressive schedule --

22 A. I'm saying --

23 MS. ANDERSON: Wow. Finish your question.

24 Q. BY MR. JACOBS: He's cautioning you about
25 this aggressive schedule in that it might lead you to 13:48:40

1 STATE OF CALIFORNIA) ss:
2 COUNTY OF MARIN)
3

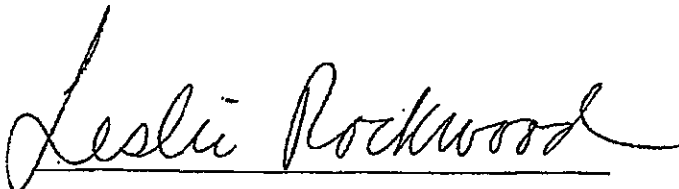
4 I, LESLIE ROCKWOOD, CSR No. 3462, do hereby
5 certify:

6 That the foregoing deposition testimony was
7 taken before me at the time and place therein set forth
8 and at which time the witness was administered the oath;

9 That testimony of the witness and all
10 objections made by counsel at the time of the examination
11 were recorded stenographically by me, and were thereafter
12 transcribed under my direction and supervision, and that
13 the foregoing pages contain a full, true and accurate
14 record of all proceedings and testimony to the best of my
15 skill and ability.

16 I further certify that I am neither counsel
17 for any party to said action, nor am I related to any
18 party to said action, nor am I in any way interested in
19 the outcome thereof.

20 IN WITNESS WHEREOF, I have subscribed my name
21 this 28th day of July, 2011.

22
23 
24

25 LESLIE ROCKWOOD, CSR. NO. 3462